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PARLIAMENT OF INDIA

RAJYA SABHA SECRETARIAT

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Parliament House
New Delhi-110001.

No.RS.1/63/2000-B, Dated the 11th September, 2001.

From

S.Vijay Kumar,
Joint Secretary,

To

The Secretary,
Karnataka Legislative Assembly,
Room No.121, 1st Floor,
Vidhana Soudha,
Bangalore- 560 001.

Subject: The Constitution (Ninety-first Amendment) Bill, 2000-ratification of.

Sir,

I am directed to State that the *Constitution (Ninety-first Amendment) Bill, 2000 has been passed by the House of the People on the 21st August, 2001 and by the Council of States on the 23rd August, 2001. A copy of the Bill, as introduced in the House of the People and a copy of the Bill, as passed by the Houses of Parliament, are sent herewith.

2. As the Bill contains amendments which attract the provisions of clauses (a) and (d) of the proviso to clause (2) of article 368 of the

Constitution, the amendments will require to be ratified by the Legislatures of not less than one-half of the States by a resolution to that effect passed by those Legislatures before the Bill is presented to the President for his assent.

3. I am, accordingly, to request that a resolution ratifying the amendments may be placed before the State Legislative Assembly, as early as possible, and the result thereof be communicated to this Secretariat.

* When assented to the Bill will be enacted as the Constitution (Eighty-fourth Amendment) Act, 2001, in view of the short title in clause 1 of the Bill.

4. It is suggested that the proposed resolution may be on the following lines:-

'That this House ratifies the amendments to the Constitution of India falling within the purview of clauses (a) and (d) of the proviso to clause(2) of article 368, proposed to be made by the Constitution (Ninety- first Amendment) Bill, 2000, as passed by the two Houses of Parliament'.

5. The receipt of this letter may kindly be acnowledged.

Yours faithfully,

(S.VIJAY KUMAR):

REPRINT

As INTRODUCED IN LOK SABHA
ON 27.11.2000

Bill No. 172 OF 2000

THE CONSTITUTION (NINETY-FIRST AMENDMENT) BILL, 2000

A

BILL

further to amend the constitution of India.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:-

hort title. 1. This Act may be called the constitution (Ninety-first Amendment) Act, 2000.

mendment f article 5. 2. In article 55 of the Constitution, in the proviso to the Explanation, for the figures "2000", the figures "2026" shall be substituted.

mendment f article 81. 3. In article 81 of the Constitution, in the proviso to clause (3), -

(i) for the figures "2000", the figures "2026" shall be substituted;

(ii) for the words and figures "be construed as a reference to the 1971 census.", the following shall be substituted, namely:-

"be construed,-

(i) for the purposes of sub-clause (a) of clause (2) and the proviso to that clause, as a reference to the 1971

census; and

(ii) for the purposes of sub-clause (b) of clause (2) a a reference to the 1991 census.".

Amendment of articles 82.

4. In article 82 of all Constitution, in the third proviso, -

(i) for the figures "2000", the figures "2026" shall be substituted;

(ii) for the words "readjust the allocation of seats in the House of the People to the States and the division of ach State into territorial constituencies under this article", the following shall be substituted, namely:-

"readjust-

(i) the allocation of seats in the House of the People to the States as readjusted on the basis of the 1971 census and

(ii) the division of each State into territorial constituencies as may be readjusted on the basis of he 1991 census,

under this article.".

Amendment of article 170

5. In article 170 of the Constitution,-

(a) in clause (2), in the proviso to the Explanation, for the figures "2000" and "1971", the figures "2026" and "1991" shall respectively be substituted;

(b) in the third proviso to clause (3),-

(i) for the figures "2000", the figures 2026" shall be substituted;

(ii) for the words "readjust the total number of seats in the Legislative Assemly of each State and the division o such State into territorial constituencies under this clause." the following shall be substituted, namely:-

"readjust-

(i) the total number of seats in the Legislative Assembly of each State as readjusted on the basis of the 1991 census; and

(ii) the division of such State into territorial constituencies as may be readjusted on the basis of the 1991 census,

under this clause.".

Amendment of article 330.

6. In article 330 of the Constitution, in the proviso to the Explanation, for the figures "2000" and "1971", the figures "2026" and "1991" shall respectively be substituted.

Amendment of article 332.

7. In article 332 of the Constitution.

(a) in clause (3A), for the figures "2000", the figures "2026" shall be substituted;

(b) in clause (3B), for the figures "2000", the figures "2026" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

Provisos to articles 82 and 170 (3) of the Constitution provide that n fresh readjustment of constituencies can be undertaken untill the figure of the first census taken after the year 2000 are published. These provisc were inserted by the Constitution (Forty second Amendment) Act, 197 as a measure to boost family planning norms. Since the first census to b taken after the year 2000 has already begun, the constitutional embargo c undertaking fresh delimitation will lapse as soon as the figures of th census are published.

2. There have been consistent demands, both for and again undertaking the exercise of fresh delimitation. Keeping in view th progress of family planning programmes in different parts of the countr the Government, as part of the National Population Policy strategy recently decided to extend the current freeze on undertaking fres delimitation up to the year 2026 as a motivational measure to enable th State Governments to pursue the agenda for population stabilisation.

3. Government has also decided to undertake readjustment an rationalisation of territorial constituencies in the States, without alterin the number of seats allotted to each State in the House of the People an Legislative Assemblies of the States, including the Scheduled Castes an the Scheduled Tribes constituencies, on the basis of the populatio ascertained at the census for the year 1991, so as to remove the imbalanc caused due to uneven growth of population/electorate in differen constituencies.

4. It is also proposed to refix the number of seats reserved for th Scheduled Castes and the Scheduled Tribes in the House of the Peopl and the Legislative Assemblies of the States on the basis of th population ascertained at the census for the year 1991.

5. The Bill seeks to achieve the aforesaid objects.

New Delhi: **ARUN JAITLEY.**
The 8th November, 2000.

ANNEXURE

EXTRACTS FROM THE CONSTITUTION OF INDIA

Manner of election of President

55(1) As far as practicable, there shall be uniformity in the scale of representation of the different States at the election of the President.

(2) For the purpose of securing such uniformity among the States inter se as well as parity between the states as a whole and the Union, the number of votes which each elected member of Parliament and of the Legislative Assembly of each State is entitled to cast at such election shall be determined in the following manner:-

(a) every elected member of the Legislative Assembly of a State shall have as many votes as there are multiples of one thousand in the quotient obtained by dividing the population of the state by the total number of the elected members of the Assembly;

(b) if, after taking the said multiples of one thousand, the remainder is not less than five hundred, then the vote of each member referred to in sub-clause (a) shall be further increased by one;

(c) each elected member of either House of Paliament shall have such number of votes as may be obtained by dividing the total number of votes assigned to the members of the Legislative Assemblies of the States under sub-clauses (a) and (b) by the total number of the elected members of both Houses of parliament, fraction exceeding on-half being counted as one and other fractions being disregarded.

(3) The election of the President shall be held in accordance with the system of proportional representation by means of the single transferable vote and the voting at such election shall be by secret ballot.

Explanation:- In this article, the expression "population" means the population as ascertained at the last preceding census of which the relevant figures have been published:

Provided that the reference in this Explanation to the last preceding census of which the relevant figures have been published shall, until the relevant figures for the first census taken after the year 2000 have been published, be construed as a reference to the 1971 census.

* * * * *

Composition of the House of the People.

81(1) * * * *

(3) In this article, the expression "population" means the population as ascertained at the last preceding census of which the relevant figures have been published:

Provided that the reference in this clause to the last preceding census of which the relevant figures have been published shall, until the relevant figures for the first census taken after the year 2000 have been published, be construed as a reference to the 1971 census.

Readjustment after each census

82. Upon the completion of each census, the allocation of seats in the House of the People to the States and the division of each State into territorial constituencies shall be readjusted by such authority and in such manner as Parliament may by law determine.

Provided that such readjustment shall not affect representation in the House of the People until the dissolution of the then existing House:

Provided further that such readjustment shall take effect from such date as the President may, by order, specify and until such readjustment takes effect, any election to the House may be held on the basis of the territorial constituencies existing before such readjustment:

Provided also that untill the relevant figures for the first census taken after the year 2000 have been published, it shall not be necessary to readjust the allocation of seats in the House of the people to the States and the division of each State into territorial constituencies under this article.

* * * *

Composition of the Legislative Assemblies.

170. (1) * * * *

(2) For the purposes of clause(1), each State shall be divided into territorial constituencies in such manner that the ratio between the population of each constituency and the number of seats allotted to it shall, so far as practicable, be the same throughout the State.

Explanation- In this clause, the expression "population" means the population as ascertained at the last preceding census of which the relevant figures have been published:

Provided that the reference in this Explanation to the first preceding census of which the relevant figures have been published shall, until the relevant figures for the first census taken after the year 2000 have been published, be construed as a reference to the 1971 census.

(3) Upon the completion of each census, the total number of seats in the Legislative Assembly of each State and the division of each State into territorial constituencies shall be readjusted by such authority and in such manner as Parliament may by law determine.

Provided that such readjustment shall not affect representation in the Legislative Assembly until the dissolution of the then existing Assembly:

Provided further that such readjustment shall take effect from such date as the President may, by order, specify and until such readjustment takes effect, any election to the Legislative Assembly may be held on the basis of the

territorial constituencies existing before such readjustment:

Provided also that until the relevant figures for the first census taken after the year 2000 have been published, it shall not be necessary to readjust the total number of seats in the Legislative Assembly of each State and the division of such State into territorial constituencies under this clause.

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PART XVI

SPECIAL PROVISIONS RELATING TO CERTAIN CLASSES

Reservation of seats for Schedule Castes and Scheduled Tribes in the House of the People.

330. (1) Seats shall be reserved in the House of the People

(a) the Scheduled Castes;

(b) the Scheduled Tribes except the Scheduled Tribes in the autonomous districts of Assam; and

(c) the Scheduled Tribes in the autonomous districts of Assam.

(2) The number of seats reserved in any State or Union territory for the Scheduled Castes or the Scheduled tribes under clause(1) shall bear, as nearly as may be, the same proportion to the total number of seats allotted to that State or Union territory in the House of the people as the population of the Scheduled Castes in the State or Union terriotry or of the Scheduled Tribes in the State or Union territory or part of the State or Union terriotry, as the case may be, in respect of which seats are so reserved, bears to the total population of the State or Union territory.

(3) Notwithstanding anything contained in clause (2), the number of seats reserved in the House of the People for the Scheduled tribes in the autonomous districts of Assam shall bear to the total number of seats allotted to that State a proportion not less than the population of the scheduled Tribes in the said autonomous districts bears to the total

population of the State.

Explanation.- In this article and 332, the expression "population" means the population as ascertained at the last preceding census of which the relevant figures have been published:

Provided that the reference in this Explanation to the last preceding census of which the relevant figures have been published shall, until the relevant figures for the first census taken after the year 2000 have been published, be construed as a reference to the 1971 census.

* * * * *

Reservation of seats for Scheduled Castes and Scheduled Tribes in the Legislative Assemblies of the States.

332.(1) * * * * *

(3A) Notwithstanding anything contained in clause (3), until the taking effect, under article 170, of the readjustment, on the basis of the first census after the year 2000, of the number of seats in the Legislative Assemblies of the States of Arunachal Pradesh, Meghalaya, Mizoram and Nagaland, the seats which shall be reserved for the Scheduled Tribes in the Legislative Assembly of any such State shall be,-

(a) if all the seats in the Legislative Assembly of such State in existence on the date of coming into force of the Constitution (Fifty-seventh Amendment) Act, 1987 (hereafter in this clause referred to as the existing Assembly) are held by members of the scheduled Tribes, all the seats except one;

(b) in any other case, such number of seats as bears to the total number of seats, a proportion not less than the number (as on the said date) of members belonging to the Scheduled Tribes in the existing Assembly bears to the total number of seats in the existing Assembly.

(3B) Notwithstanding anything contained in clause (3), until the readjustment, under article 170, takes effect on the basis of the first census after the year 2000, of the number of seats in the Legislative Assembly of the State of Tripura, the seats which shall be reserved for the Scheduled Tribes in the Legislative Assembly shall be such number of seats as bears to the total number of seats, a proportion not less than the number, as on the date of coming into force of the constitution (Seventy-second

Amendment) Act, 1992, of members belonging to the Scheduled Tribes in the Legislative Assembly in existence on the said date bears to the total number of seats in that Assembly.

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further to amend the Constitution of India.

(Shri Arun Jaitley, Mister for Law, Justice and Company Affairs)

ಮುದ್ರಕರು:- ನಿರ್ದೇಶಕರು, ಮುದ್ರಣ, ಲೇಖನ ಸಾಮಗ್ರಿ ಮತ್ತು ಪ್ರಕಟಣೆಗಳು,
ಸಶಾಮು. ತುಮಕೂರು. ಕಾಸೂ. 29 - 350 ಪುಸ್ತಕಗಳು ದಿ: 12-09-2003.